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**Subject:** OCSPP News for September 11, 2020

## OCSPP News Round-Up

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### Udall Expresses Doubts OCSPP Overhaul Will Bolster TSCA Implementation

Jeremy Bernstein, Inside TSCA

<https://insideepa.com/tsca-news/udall-expresses-doubts-ocspp-overhaul-will-bolster-tsca-implementation>

Sen. Tom Udall (D-NM), one of the lead sponsors of the 2016 TSCA reform bill and a top EPA appropriator, is expressing skepticism about the adequacy of the agency's plan to quickly reorganize its Office of Chemical Safety and Pollution Prevention (OCSPP) in part to bolster its implementation of the new law.

"The Trump administration EPA has failed to use the new TSCA authorities Congress gave it to protect the public. Any reforms to EPA's chemical offices must ensure that all chemical reviews are conducted consistent with the law and the highest levels of scientific integrity, protect the independent peer review process and shield decision-making from political interference," Udall told Inside TSCA in a Sept. 10 statement.

His comment comes in response to EPA's surprise announcement earlier this week that it plans to reorganize key offices within OCSPP that implement the Toxic Substances Control Act (TSCA) and oversee anti-microbial disinfectants by Sept. 27, before the start of the next fiscal year.

Among the reforms, OCSPP is overhauling its Office of Pollution Prevention and Toxics (OPPT), which is charged with implementing TSCA, to create separate new risk evaluation and risk management branch divisions for existing chemicals work, as well as a single new division for the risk assessment and risk management of new chemicals.

OCSPP “is implementing an internal reorganization to better support the Agency’s core mission of protecting human health and the environment,” an EPA spokesperson told Inside TSCA.

But Udall charges that the agency’s plan violates provisions of a 2020 spending law that requires EPA and other agencies to win “advance approval” from House and Senate appropriators before reprogramming funds.

He said this was the second time in less than a week that the agency has violated section 426 of the so-called Further Consolidated Appropriations Act, 2020, after officials earlier this month announced plans to create a new office to oversee cleanup of hardrock mines in the West.

“This reorganization is a significant departure from how hardrock mining remediation is currently handled at the Agency and therefore must first be evaluated by the Appropriations Committees,” Udall, the ranking Democrat on the Senate Interior appropriations subcommittee, and Rep. Betty McCollum (D-MN), chair of the House Interior appropriations subcommittee, wrote EPA Administrator Andrew Wheeler in a Sept. 2 letter.

“As required by law and established by longstanding precedent of comity among our Committees and the Agency, we expect you to comply with the requirements laid out in the fiscal year 2020 appropriations for the Agency and to suspend the implementation of this reorganization pending our Committees’ review and approval,” Udall and McCollum said of the agency’s plan to create the new mine cleanup office.

An EPA spokesperson denies officials violated section 426 when it reorganized OCSPP, saying the agency “followed Congressional notification requirements.”

Udall, however, expresses doubts that the reorganization will bolster the agency’s implementation of TSCA. “I welcome any good-faith attempt to improve these programs -- I worked hard to enact landmark, bipartisan reform of the Toxic Substances Control Act because I know how important it is to keep dangerous chemicals off the market,” he said.

“But once again, given this administration’s terrible environmental record and the blatant steps it is taking to ignore a legally binding requirement to notify Congress, Americans should be skeptical that these changes are in the best interest of their health and safety.”

#### Timing Is ‘Challenging’

While Udall is skeptical that EPA’s planned reorganization will be adequate to implement TSCA, at least one law firm is skeptical that the agency will be able to implement the reforms on the schedule it has set.

“While we appreciate that it is the end of the fiscal year and there is value in starting the new fiscal year with the reorganization in place, the timing is challenging,” the law firm Bergeson and Campbell said in a Sept. 10 memo.

“Even without the pandemic and looming TSCA deadlines, managers and resource staff are scrambling to close the books on the fiscal year. Election year jitters and distractions are also at play. Completing this reorganization in essentially three weeks is ambitious, and we wish OCSPP success in its endeavors,” the firm added. -- Jeremy Bernstein ([jbernstein@iwpnews.com](mailto:jbernstein@iwpnews.com))

#### **EPA’s OCSPP Reorganization Will Include New Risk Evaluation and Risk Management Divisions**

Bergeson & Campbell Blog

<https://www.lawbc.com/regulatory-developments/entry/epas-ocspp-reorganization-will-include-new-risk-evaluation-and-risk-managem>

The U.S. Environmental Protection Agency (EPA) Office of Chemical Safety and Pollution Prevention (OCSPP) will be reorganizing at the end of September 2020. OCSPP currently consists of the Office of Pollution Prevention and Toxics (OPPT), the Office of Pesticide Programs (OPP), and the Office of Science Coordination and Policy (OSCP). According to reporting in Bloomberg Environmental, EPA is reorganizing within OPPT and OPP, as well as reorganizing at the OCSPP level. EPA has recently completed its first risk evaluations under the Toxic Substances Control Act (TSCA) and begun to concentrate on risk management activities. The reorganization reflects this by taking the current risk management divisions, the National Program Chemicals Division (NPCD) and the Chemical Control Division (CCD), and the Risk Assessment Division (RAD) and reorganizing them to focus separately on existing chemicals and new chemicals.

#### Commentary

Although specific details of the reorganization are not clear based on media reporting, the article reflects some of the features in OPPT's reorganization plan from 2018. As we discussed in our May 1, 2018, memorandum, "EPA Rolls Out Newly Proposed Option for OPPT Reorganization," in that plan, OPPT was looking to combine the existing chemicals regulatory management functions of NPCD and CCD into a single Existing Chemicals Management Division. The article suggests that this new division would also include what had been proposed as an Existing Chemicals Science Division. Similarly, the new chemicals functions of CCD and RAD, which had been slated for reorganization into a New Chemicals Science Division and New Chemicals Management Division, will be combined into a single New Chemicals Division. The article does not clarify whether other aspects of the OPPT 2018 reorganization plan, such as the reorganization of the Pollution Prevention (P2) and Toxics Release Inventory programs, will be included in this reorganization.

As we stated in our May 1, 2018, memorandum, we see significant programmatic and efficiency benefits in the separation of the new and existing chemicals management functions. We also can see the benefit in separating the risk assessment/risk evaluation functions because of the differences between the data available and timeframes for new and existing chemicals. We caution, however, EPA that separating the scientists and engineers by statutory section (i.e., new and existing chemicals) must not allow divergent interpretations of the underlying science between and among the various technical experts. This same imperative applies at the branch level. The Bloomberg Environmental article does not state how the divisions will be organized into branches. It is equally important that individual review teams interpret consistently scientific principles, policies, and information, as it is for two divisions to do so.

The reorganization in OPP seems to be more limited. The article emphasizes changes to the Antimicrobials Division, which has been working energetically to respond to the exploding number of entities seeking registrations for antimicrobial products in response to the pandemic. The article also states that the Endocrine Disruptor Screening Program, that has been in OSCP, will become part of OPP.

Other OCSPP-level functions, including the rest of OSCP and the Office of Program Management Operations (OPMO, the group that supports budget, planning, information technology, and human resources functions for OCSPP and its sub-offices), will be combined into a new entity named the Office of Program Support. The combination of OSCP and OPMO under a single senior manager does reduce OCSPP's need for a Senior Executive Service position.

Most surprising about the news is the timeline. According to the reporting, the reorganization is slated to be complete by the end of September, just two weeks from now. While we appreciate that is the end of the fiscal year and there is value in starting the new fiscal year with the reorganization in place, the timing is challenging. Even without the pandemic and looming TSCA deadlines, managers and resource staff are scrambling to close the books on the fiscal year. Election year jitters and distractions are also at play. Completing this reorganization in essentially three weeks is ambitious, and we wish OCSPP success in its endeavors.

Senator Tom Udall (D-NM) indicated on September 9, 2020, that under federal law, EPA is required to consult first with Congress before reorganizing OCSPP. Senator Udall did not comment on how Congress might respond.

#### **EPA Announces Major Reorganization of Chemical Safety Division**

Society of Environmental Journalists

<https://www.sej.org/headlines/epa-announces-major-reorganization-chemical-safety-division>

"The EPA's Office of Chemical Safety and Pollution Prevention is significantly reorganizing at the end of the month to respond to the department's changing work, agency leaders said Tuesday.

The changes reshuffle the structure of OCSPP's three main divisions: the Office of Pesticide Programs, the Office of Pollution Prevention and Toxics, and the Office of Science Coordination and Policy, according to Environmental Protection Agency officials, who spoke on a call that was shared by an employee who wasn't authorized to speak publicly.

No jobs will be shed and no pay grades will be changed, according to a Tuesday internal email obtained by Bloomberg Law from Alexandra Dapolito Dunn, assistant administrator of the office."

### **California Panel Eyes Chemicals For Possible Prop. 65 Cancer Listing**

Curt Barry, Inside TSCA

<https://insideepa.com/tsca-news/california-panel-eyes-chemicals-possible-prop-65-cancer-listing>

A California science panel is preparing to prioritize a list of seven chemicals for potential addition to the state's Proposition 65 warning law carcinogen list, including several industrial chemicals such as bisphenol-A (BPA), a plasticizer, the flame retardant Decabromodiphenyl ether (DecaBDE), and perfluorooctane sulfonate (PFOS).

The panel is also weighing three pesticides -- chlorpyrifos, trifluralin and methyl bromide, as well as coal dust, for possible listings.

But the panel's consideration of PFOS -- one of the chemicals in the per- and polyfluoroalkyl substances (PFAS) class that is still used even though its domestic manufacture has been largely phased out -- is drawing early concerns from the chemical industry, whose representatives say there is not enough data to show the substance is carcinogenic.

In a Sept. 4 notice, the state's Office of Environmental Health Hazard Assessment (OEHHA) proposes the seven chemicals or groups for prioritization review by the Carcinogen Identification Committee (CIC), which is scheduled to hold a "virtual" meeting on Nov. 17.

The notice also sets an Oct. 19 deadline for stakeholders to submit written comments.

OEHHA is specifically seeking public comment and the CIC's consultation "regarding which, if any, of these chemicals should proceed to the next stage of the listing process," the notice says.

"After receiving advice on priority from the CIC, OEHHA will choose chemical(s) for consideration for potential listing by the CIC at a future meeting."

The chemicals under consideration for possible listing are detailed in an OEHHA staff report prepared for the effort.

The report "presents information on the seven chemicals or chemical groups. For each of the seven, an initial, abbreviated appraisal of the information identified through the screening-level literature search and the preliminary toxicological evaluation is presented," the notice says.

Several of the chemicals, including BPA, chlorpyrifos, methyl bromide and PFOS are already listed under Prop. 65 for reproductive toxicity, an OEHHA spokesman notes.

Once substances are listed, Prop. 65 requires companies to provide warning labels on products containing the listed chemicals.

But the plan to list PFOS is drawing concerns from the American Chemistry Council (ACC), which plans to oppose the listing “based on the best available science,” a spokesman says, adding that the group “supports strong, science-based regulations that are protective of public health.”

An ACC spokeswoman adds that staff with the organization are still reviewing the other chemicals in the OEHHA document and will provide any comments by the deadline.

The OEHHA action comes as other scientific research organizations have found that some of the chemicals at issue are potentially carcinogenic.

A recent technical report by the National Toxicology Program (NTP) found rare evidence of carcinogenic activity in laboratory rats exposed to perfluorooctanoic acid (PFOA), a similar long-chain PFAS -- a finding that is also expected to prompt a carcinogenicity listing under Prop. 65 and could bolster tort suits from such contamination, attorneys say.

EPA concluded in 2016 that there was suggestive evidence of the carcinogenic potential of PFOA and PFOS in humans, according to a draft toxicological profile of PFOA and other PFAS released by the Agency for Toxic Substances & Disease Registry (ATSDR) in 2018.

Relatedly, EPA recently forwarded to the Office of Management and Budget (OMB) its final TSCA rule regulating the widely used flame retardant DecaBDE -- the third of five rules the agency is slated to finalize in December that will regulate persistent, bioaccumulative toxics (PBTs).

A group of high-tech companies that are downstream chemical users of the substance are slated to meet Sept. 14 with the White House officials to raise concerns about EPA’s pending TSCA rule governing DecaBDE.-- Curt Barry ([cbarry@iwpnews.com](mailto:cbarry@iwpnews.com))

### **ADAO Urges Wheeler To Implement SACC Advice On Asbestos Evaluation**

Maria Hegstad, Inside TSCA

<https://insideepa.com/tsca-news/adao-urges-wheeler-implement-sacc-advice-asbestos-evaluation>

The Asbestos Disease Awareness Organization (ADAO) is pressing Administrator Andrew Wheeler to ensure the agency adopts in its final evaluation of asbestos’ risks all the recommendations included in the critical peer review report recently release by the agency’s TSCA advisory committee, including expanding the evaluation to other asbestos types.

“It would be a serious mistake for EPA to ignore the [Science Advisory Committee on Chemicals (SACC)] report and merely make minor cosmetic changes in order to rush the evaluation to completion,” ADAO writes in a Sept. 9 letter to Wheeler.

“This would undermine the peer review process and give short shrift to public health and EPA’s responsibilities under TSCA. For a substance as ubiquitous and dangerous as asbestos, this is simply unacceptable.”

The letter references the highly critical Aug. 28 report from SACC on EPA’s draft evaluation of asbestos under the Toxic Substances Control Act (TSCA), which concluded, “[o]verall, EPA’s environmental and human health risk evaluations for asbestos was not considered adequate and resulted in low confidence in the conclusions.”

Of particular concern for ADAO is the limited scope of EPA’s draft evaluation, which the agency tailored to assess only risks of exposure to ongoing asbestos activities and what the agency considered to be the most sensitive cancer types.

As a result, the draft evaluation assesses exposure to just one asbestos fiber type, chrysotile, and for human health effects considers just lung cancer and mesothelioma, while asbestos exposure is associated with a number of other health effects.

This narrow scope was also of concern to SACC members, and their report urges EPA to expand the evaluation to consider other asbestos fiber types and so-called “legacy uses” as well -- uses for which there is no longer ongoing manufacturing, but where asbestos remains in use across the U.S., as in the insulation, plumbing, roofing and flooring of many older buildings.

“The Committee encourages EPA to incorporate into the assessment other asbestos and asbestos-like fibers in addition to chrysotile exposure beyond the six conditions of use (COUs) evaluated. Because certain exposure sources (drinking water, talc, asbestos-containing building materials, vermiculite, etc.) are not included in this evaluation, the estimate for total exposure to asbestos is deficient,” the report states.

“The impact of future chrysotile exposures for limited COUs are modeled with accounting for dominating past and ongoing exposure from ‘legacy’ chrysotile and amphiboles. This does not fit the reality of total exposure to asbestos. This [draft] includes only a limited slice of the exposure, the results of which compound uncertainties.”

Further, the report notes “Most of the Committee recommended deriving one inhalation unit risk (IUR) for all types of asbestos instead of just for chrysotile asbestos.”

EPA so far appears to be holding firm to its plan to finalize the draft evaluation of chrysotile and prepare a separate, later evaluation of legacy uses of asbestos. In announcing that plan last February, EPA’s toxics chief Alex Dunn explained that it would allow the agency to continue advancing the current use evaluation toward completion, which at that time was facing a June 2020 statutory deadline.

In an Aug. 28 statement announcing the SACC report’s release, EPA said it is reviewing SACC’s report and public comments and will use these “to improve the final risk evaluation. EPA will consider legacy uses, associated disposal of asbestos, and some of the issues raised in the SACC’s report through a supplemental scope document and supplemental risk evaluation. The Agency plans to issue the draft supplemental scope for public comment later this year.”

#### Legacy Uses

But ADAO seizes on language in the SACC report to urge EPA to merge its current evaluation of ongoing uses of asbestos with the separate evaluation the agency is planning to conduct of legacy uses of asbestos.

The agency’s decision stems from a 2019 ruling from the U.S Court of Appeals for the 9th Circuit, which ruled that EPA’s risk evaluation rule unlawfully allowed the agency to exclude legacy uses from its evaluations.

“This [legacy uses] evaluation should be combined with the ongoing evaluation of current asbestos uses so that EPA provides the public with a comprehensive picture of ‘the reality of total exposure to asbestos,’” ADAO writes. “Issuing two separate evaluations would understate the risk by addressing different exposure sources in isolation and failing to account for aggregate risks.”

Either way, ADAO is also using the status of EPA’s asbestos evaluations to urge Congress to pass an asbestos ban bill, which would amend TSCA and direct EPA to ban importation and use of asbestos within one year of enactment, much more quickly than EPA could complete its evaluation and regulate.

But the bill has stalled in the face of disagreement from a powerful trial lawyers’ group despite near-unanimous passage last fall out of the House Energy & Commerce Committee.

SACC itself stopped short of advising EPA to combine the two evaluations, though some committee members clearly supported that view. During the committee’s June meeting, one panelist, Steven Markowitz, a doctor with City University of New York, asked whether the committee could recommend EPA not complete the narrow chrysotile evaluation and instead subsume it within the planned, broader asbestos evaluation.

SACC Chairman Ken Portier replied that SACC's role is scientific, not policy, and as such, the committee could not offer such a recommendation. Still, the committee provides a number of recommendations to broaden the scope of the asbestos evaluation.

ADAO cites SACC's report language to bolster its argument. "Thus, the SACC warned that '[b]y relegating legacy uses of asbestos to another document, EPA is ignoring an important source of exposure.' As the SACC emphasized, '[r]isk from asbestos for disease is cumulative' and cancer risk estimates must reflect the combined impact of legacy and current products 'as these are essential to understand how humans may be affected by multiple sources/pathways.' For this reason, the SACC advised EPA to 'Include legacy and aggregate asbestos exposures in the calculation of cancer risk estimates.'" -- Maria Hegstad ([mhegstad@iwpnews.com](mailto:mhegstad@iwpnews.com))

### **EPA Downplays Effect Of Delayed TSCA Fees On Chemical Risk Evaluations**

Inside TSCA

<https://insideepa.com/tsca-news/epa-downplays-effect-delayed-tsca-fees-chemical-risk-evaluations>

EPA says options under consideration to ease the burden on industry to pay first-time TSCA fees amid the pandemic will not affect the schedule or ongoing efforts for the next round 20 chemical risk evaluations, citing the years-long effort toward developing regulatory requirements.

"EPA is exploring options for payment flexibilities under the TSCA Fees Rule while ensuring that all payments are remitted in full," an EPA spokesperson told Inside TSCA after the agency released its final list of companies responsible for the payments last week.

"Because the risk evaluations and any associated costs will occur over a three-year period, the impact of any potential delays in payments would be minimal and would not delay work on the risk evaluations," the spokesperson said, adding: "EPA will still be able to conduct these risk evaluations in a timely manner, while carrying out our other responsibilities under TSCA."

The EPA statement offers new insights into the agency's approach to addressing industry concerns about fee burdens amid a national economic and health crisis, after EPA toxics chief Alex Dunn just two months ago stressed the importance of the funds in budgeting for the risk evaluations.

"We are expecting, obviously, with 20 chemicals underway and the fees rule in place, input of \$20 million to support our work under TSCA," Dunn said during an American Chemistry Council webinar in June.

Dunn described the funds as "absolutely critical" to the agency's TSCA program, saying the agency planned to include \$20 million in fees in the program's budgets, noting that Congress provided authority to levy fees to defray 25 percent of the costs of evaluating existing chemicals.

EPA released its final list of companies responsible for the TSCA fees on Sept. 4, along with the "scope" documents for developing the next round of 20 chemical risk evaluations under TSCA section 6.

In announcing the list, EPA said it "is exploring options for payment flexibilities, including payment plans and extended due dates for fees," according to the Federal Register notice.

The EPA spokesperson's statement suggests the agency is taking the long view in allowing industry to make payments possibly over the next several years as the agency works on the risk reviews.

The 2016 amendments to the Toxic Substances Control Act require companies that manufacture or handle any one of the 20 chemicals to pay a portion of \$1.35 million to fund each risk evaluation within 120 days after the final "scope" documents are released, which would set the first payments due in early January.

### **EPA faces TSCA risk evaluation overload**

The US Environmental Protection Agency is moving ahead with risk evaluations for 20 high-priority chemicals under the Toxic Substances Control Act (TSCA), even though the agency has yet to complete several evaluations already in progress. The EPA finalized the scope of the next 20 evaluations Sept. 4, along with a list of companies responsible for paying for the reviews.

#### NEXT 20 HIGH-PRIORITY CHEMICALS

- ▶ 7 chlorinated solvents
- ▶ 6 phthalates
- ▶ 4 flame retardants
- ▶ Formaldehyde
- ▶ 1,3,4,6,7,8-Hexahydro-4,6,6,7,8,8-hexamethylcyclopenta[g]-2-benzopyran (HHCB), a fragrance additive
- ▶ 1,3-Butadiene, used in manufacturing polymers.

The EPA has been struggling to meet its deadlines under amendments to TSCA enacted in 2016. The agency missed a June deadline to complete the first 10 chemical risk evaluations under the revised law. So far, the agency has completed assessments for just 2 of the chemicals—methylene chloride and 1-bromopropane. The EPA is now scrambling to complete the remaining 8 evaluations before the end of the year.

The 20 new assessments are also behind schedule. The EPA was over 2 months late in releasing the scoping documents. The timer started ticking when the agency identified the 20 chemicals in December 2019. It is supposed to complete the 20 assessments by December 2022, although TSCA allows for a 6-month extension. The 20 chemicals include chlorinated solvents, phthalates, flame retardants, formaldehyde, a fragrance additive, and a substance used in polymers.

To the delight of the chemical industry, the EPA is allowing some exemptions on fees that companies are required to pay to fund the EPA's assessment work. The exemptions apply to products that are imported or contain a chemical as an impurity, by-product, or intermediate. The agency is also being flexible with late payments during the COVID-19 pandemic.

"One of the 20 chemicals doesn't have any companies listed" as responsible for paying fees.

Richard Denison, lead senior scientist, Environmental Defense Fund

The EPA chose not to impose fees for the first 10 chemicals and is still working out the kinks related to fees for the new set of 20. The Sept. 4 list of companies on the hook for paying fees for the 20 evaluations is much shorter than the initial list, released in January.

The American Chemistry Council, which represents US chemical manufacturers, stressed in a statement the importance of the EPA's focusing "on the conditions of use that represent the greatest potential for risk." The trade group is assisting the industry in forming consortia on certain substances to coordinate efforts related to risk evaluations and fees.

Environmental groups are concerned that the fees paid will fall short of the \$1.35 million the EPA estimates it needs for each chemical. "One of the 20 chemicals doesn't have any companies listed because all of them got exempted out," says Richard Denison, a lead senior scientist at the Environmental Defense Fund (EDF). That chemical is the flame retardant tris(2-chloroethyl) phosphate, also known as TCEP.

The EPA's rule on fees does not allow for exemptions, Denison says. To get around that, he notes, the agency decided not to enforce the part of the rule requiring companies to tell the EPA that they're making a chemical that's up for evaluation. The EPA plans to rewrite the rule later this year to allow for exemptions, he says.

The EDF and other environmental groups are disappointed that the EPA did not provide separate “systematic review documentation” for each of the 20 chemicals. Systematic review is used to identify the toxicity studies and other information considered in risk evaluations. Denison and others argue that the agency has been using flawed methodology in these reviews, resulting in evaluations that underestimate risks. The EPA’s systematic review process is “finally undergoing National Academy review after many, many delays on EPA’s part,” Denison says.

In addition to the work related to establishing fees and evaluating risks of chemicals, the EPA faces another big challenge this year under TSCA: developing proposed rules to mitigate the risks it found for methylene chloride and 1-bromopropane. If the agency finds risks associated with any of the other eight initial chemicals, it will also have to propose rules to mitigate those risks. The agency is required to propose rules within 1 year of identifying the risks and finalize the rules within 2 years, with the possibility of an extension.

#### **EPA warns of products falsely claiming to kill coronavirus**

Hawaii News Now

<https://www.hawaiinewsnow.com/2020/09/11/epa-warns-products-falsely-claiming-kill-coronavirus/>

HONOLULU, Hawaii (HawaiiNewsNow) - The Environment Protection Agency is warning about products that falsely claim to kill the coronavirus.

Hawaii Public Radio reports that it has denied entry to 25 shipments containing about 5,000 illegal products like disinfectant wipes.

The EPA says most of the unregistered products come from China. Officials also ordered a local company called HUI Restoration to stop using certain products.

The state says the state hired the company to disinfect high traffic areas at Oahu Community Correctional Center, Halawa Correctional Facility and Maui Community Correction Center.

The EPA said it has been in touch with both the Department of Public Safety and the Hawaii Attorney General about the issue.

A full list of EPA-approved products is listed online.

#### **EPA Encourages Schools and Universities to Use EPA-Approved Products and Disinfectants to Keep Students Safe**

House Science, Space, and Technology Committee GOP, Medium

<https://medium.com/@sstgoppress/epa-encourages-schools-and-universities-to-use-epa-approved-products-and-disinfectants-to-keep-ca5483071563>

WASHINGTON (September 9, 2020) — As many students across the nation return to school this fall, the U.S. Environmental Protection Agency (EPA) is reminding school districts and state and local officials to remain vigilant when it comes to cleaning and disinfecting school buildings and facilities by using only products found on EPA’s List N. As part of the efforts to safely reopen schools, EPA is continuing to work closely with states, local governments and the Centers for Disease Control and Prevention (CDC) to provide up to date information to protect public health as school districts, private schools, and universities develop and implement COVID-19 re-entry plans for their students, staff, and parents.

“There is no higher priority for the Trump Administration than protecting the health and safety of Americans, especially as our nation’s children head back to school,” said EPA Administrator Andrew Wheeler. “EPA is providing robust information and tools to help school districts and universities properly clean and disinfect surfaces in order to fight the spread of this coronavirus so they can safely reopen.”

EPA is working to combat imposter disinfectant products from being marketed online with potentially dangerous claims of protection against the novel coronavirus. In some cases, there are statements that products will provide protection from COVID-19 for up to 90 days. To date, EPA has approved only one product that has long-lasting effects against

COVID-19 and is expeditiously working to review additional products. EPA's approval is limited to Texas and permits only American Airlines airport facilities and planes at specific locations and two Total Orthopedics Sports & Spine Clinics to use SurfaceWise2 under certain conditions.

EPA's approval allows Texas to permit only American Airlines airport facilities and planes at specific locations and two Total Orthopedics Sports & Spine Clinics to use SurfaceWise2 under certain conditions.

To stop products from being illegally sold in the United States, EPA is also working with the Department of Justice and other federal agencies to bring the full force of the law against those selling fraudulent or unregistered products.

Cleaning products that claim to kill and/or be effective against viruses are pesticides and must be registered with EPA prior to distribution or sale. These products may not be sold or distributed unless they have been properly tested and then registered by EPA. The agency will not register a product claiming to be effective against coronaviruses until it has determined that it will not pose an unreasonable risk and will be effective when used according to the label directions.

EPA continues to add products to List N that are expected to kill SARS-CoV-2. There are currently 486 approved products currently on List N. When using an EPA-registered disinfectant, follow the label directions for safe, effective use. These directions include, but are not limited to:

- To ensure safety, always follow the product label. This includes making sure to follow the contact time, which is the amount of time the surface should be visibly wet.

- Keep disinfectants out of reach of children. Children should not apply disinfectants. While disinfectants are powerful tools for controlling the spread of disease, they can harm children's health if used or stored incorrectly. The risk disinfectants pose to human health increases if the label is not followed.

- Only use fogging, fumigation, and wide-area or electrostatic spraying to apply EPA-registered products designed and labeled for use in this way. Unless the pesticide product label specifically includes disinfection directions for these application methods, it may not be effective when applied in these ways.

- Do not apply disinfectants to skin, food or cloth face coverings. Do not mix disinfectants with other chemicals. Use disinfectants only at the concentrations specified in the label directions.

If an EPA-registered disinfectant from List N is not available, diluted household bleach can be used to disinfect surfaces. Users should closely follow the bleach dilution directions on the CDC's website, including precautions.

Please note that according to the CDC, while "it may be possible that a person can get COVID-19 by touching a surface or object that has the virus on it and then touching their own mouth, nose, or possibly their eyes," the virus is thought to spread mainly through close contact between individuals.

For more information, visit <https://www.epa.gov/coronavirus>.

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For more news, visit:

- Inside EPA: <https://insideepa.com/>
- Inside TSCA: <https://insideepa.com/inside-tsca-home>
- Bloomberg Environment and Energy: <https://news.bloombergenvironment.com/environment-and-energy/>

*If you'd like to be removed or would like to add someone to the listserv please contact Bailey Rosen at [Rosen.Bailey@epa.gov](mailto:Rosen.Bailey@epa.gov). Feedback and interesting articles are welcomed. Thanks and enjoy!*

*And while you're reading.... Remember to shoot your coworkers a shooting star!*